



**Ancillary Personnel.** An Ad Hoc Committee on Ancillary Personnel has been created to investigate the feasibility of adopting regulations to govern ancillary personnel such as pharmacy technicians. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 57.) Rather than set up a certification program, administer a qualifying examination, and require registration of technicians, the Board has decided to take a less stringent approach toward the regulation of ancillary personnel. However, the precise method of regulation has not yet been determined.

## LEGISLATION:

**AB 513 (Tucker).** Existing law defines a manufacturer for purposes of regulating the practice of pharmacy and excepts from that definition a pharmacy which manufactures drugs on the immediate premises where the drug is sold to the ultimate consumer. AB 513 would also except from that definition a pharmacy compounding a drug for parenteral therapy, pursuant to a prescription, for delivery to another person licensed to possess that drug.

**AB 85 (Katz)** has been introduced in the Assembly. Existing law requires the Board to contract with one or more employee assistance programs to administer the impaired pharmacist program and requires the employee assistance program to train and work with volunteer intervenors in conjunction with a pharmacist's professional association. The law provides that the impaired pharmacist program shall be repealed on January 1, 1988, and requires the Board to submit a sunset review report to the legislature on or before March 31, 1987.

AB 85 would delete the requirement that the employee assistance program train and work with volunteer intervenors in conjunction with a pharmacist's professional association, and would delete the provisions which repeal the program and require a sunset review report.

**SB 79 (Watson)** would amend section 4416 of the Business and Professions Code to increase the current various licensure, permit, and renewal fees, and would increase the maximum for each. The bill was amended in the Senate on February 4, 1987.

## RECENT MEETINGS:

In December the Board received correspondence from the National Association of Boards of Pharmacy (NABP), inquiring whether the Board would be in favor of holding a national

conference on drug sampling. Because California has no vote at NABP meetings, does not participate in NABP examinations, and the NABP was advancing the idea of holding a national conference at the request of a drug manufacturer, the Board decided against holding a national conference.

The Continuing Education Committee has recently appointed two new members—a school faculty member and a practicing pharmacist. The Committee is composed of two Board members, two school members, and two practicing pharmacists.

The recent examination was administered on January 7 and 8 in Sacramento. Over 500 applicants took the examination.

## FUTURE MEETINGS:

June 2-3 in Los Angeles.

## POLYGRAPH EXAMINERS BOARD

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The Polygraph Examiners Board, an agency within the Department of Consumer Affairs, regulates the activities of an estimated 1,000 polygraph examiners in California. (See Business and Professions Code sections 9300 *et seq.*) Currently, approximately 655 polygraph examiners are licensed by the Board. Federally-employed examiners are specifically excluded from the Board's jurisdiction.

The Board, which has a January 1, 1989 sunset date, consists of two industry representatives and three public members, all appointed to four-year terms.

## MAJOR PROJECTS:

**Proposed Regulations.** The Board has adopted the following amendments to Title 16 of the California Administrative Code: section 3400 establishes the official site of the Board's principal office; section 3402 defines the key terms used in the Board's regulations; sections 3406 and 3408 require licensees to provide the Board with current mailing addresses and any name changes; section 3410 lists several acts and crimes which are substantially related to the duties of the licensee so as to constitute grounds for disciplinary action; section 3412 establishes criteria for evaluating the rehabilitation of a licensee who has committed serious acts or crimes; section 3427 defines application abandonment

and forfeiture of application fees; and sections 3440, 3442, and 3444 establish criteria for calibrating, filing, and approving polygraph instruments.

The Board is preparing these regulations for submission to the Office of Administrative Law.

**Pre-Employment Inquiries.** In order to assist polygraph licensees to comply with the California Fair Employment Practices Act, the Board provides information on examples of questions which may not be asked of test subjects. The Fair Employment Act states that no pre-employment inquiries may be made regarding a job applicant's race, religion, color, ancestry, sex or physical handicap. A copy of the Guide to Pre-Employment Inquiries may be obtained by writing to the Polygraph Examiners Board, 1920 20th Street, Suite A, Sacramento, CA 95814.

## RECENT MEETINGS:

At its February 6 meeting in Newport Beach, Board member Peggy Lopez reported that the Attorney General's Office is preparing a statement of issues for an upcoming license denial hearing.

The Board unanimously approved a reciprocity agreement with Utah. However, upon advice of legal counsel, the Board refused to adopt a reciprocity agreement with Georgia. Georgia requires that its polygraphers be Georgia residents for one year prior to licensure. Legal counsel for the Board stated that such a residency requirement is likely unconstitutional. The Board does not wish to grant reciprocity with any state which imposes unfair requirements on otherwise competent, California-licensed polygraphers.

The Board heard industry's comments objecting to any proposed legislation requiring mandatory professional liability insurance payments to a Department of Consumer Affairs (DCA) Fund. The industry's chief concern is the cost-effectiveness of such an insurance pool. The Board expects that legislation similar to last year's SB 2333 (Montoya) will be introduced this year, requiring insurance payments to a DCA licensee fund. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 41.)

The Board is considering a recommendation to the legislature that voice stress analysis machines and operators be included in the Polygraph Examiners Act. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 57.) Legal counsel for the Board has concluded that voice stress analysis is not covered by the current Act. In a related area, legal counsel has



concluded that the Act requires any individual who uses less than all five frequencies on polygraph equipment to be licensed by the Board.

The Board also heard discussion on whether mobile vans provide a proper environment in which to conduct polygraph examinations. Jim Adams, a licensed polygrapher, suggested that the Board adopt additional regulations to ensure proper settings for all polygraph examinations conducted within the state. His chief concern is that an unprofessional atmosphere during the conduct of the test could alter the test's outcome and endanger the public. The Board referred Mr. Adams' suggestion to committee.

The Board has approved a license renewal form which will be mailed to all licensees three months prior to their renewal dates.

#### FUTURE MEETINGS:

July 10 in Monterey.

## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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The Board of Registration for Professional Engineers and Land Surveyors regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act and the Land Surveyors Act.

The basic functions of the Board are to conduct examinations, issue certificates and/or licenses and appropriately channel complaints against its licensees. The Board is additionally empowered to suspend or revoke certificates or licenses. On a routine basis, the Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied registration and licensees who have had their licenses suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered practice act engineers and one title act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate President pro Tempore.

The Board has established seven standing committees dealing with land

surveying and the various branches of engineering. These committees, each composed of three Board members, approve or deny applications for examinations and register applicants who pass the examinations. Their actions must have the approval of the entire Board, which is routinely forthcoming.

Professional engineers are now licensed through the three Practice Act categories of civil, electrical and mechanical engineering under section 6730 of the Business and Professions Code, and the Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering.

Structural engineering and soil engineering are linked to the civil Practice Act and require an additional examination after qualification as a Practice Act engineer.

#### MAJOR PROJECTS:

*Photogrammetrists' Licensure.* The Board continues to consider a request for separate licensure for photogrammetrists. At the Board's January 23 meeting in Sacramento, a representative from the California Land Surveyors Association (CLSA) stated that photogrammetry is covered by section 8726 of the Land Surveyors Act, such that photogrammetrists should be licensed as land surveyors. Donald Lewis, a consulting engineer from southern California, favored separate licensure for photogrammetrists. After much public testimony and discussion, the committee which has been studying the issue stated it could discern no compelling reason for separate licensure, and recommended that the Board reject the proposal.

*Implementation of SB 128.* The implementation of SB 128 (Montoya), which was signed by the Governor in 1985, continues to be a controversial issue. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 58 for background information.) The statute requires the inclusion of two additional sections in the Board's licensing examination: Part B tests the applicant's knowledge of state law and Board regulations; and Part C (which is applicable only to civil engineers) tests the applicant's knowledge of seismic principles and engineering surveying principles.

For months, the Board has been discussing various methods of administering Parts B and C. Administration of the additional sections as a take-home exam would cut costs for both the

applicant and the Board, and would accommodate out-of-state applicants. A second alternative would be to lengthen the regular professional National Council of Engineering Examiners (NCEE) exam by adding a seismic and surveying question. Because the lengthened exam would last more than one day, increased costs would be suffered by applicants and the Board. A final alternative is to shorten the NCEE exam, add two questions unique to California applicants on seismic principles, and retain the one-day exam format.

After considerable discussion and review of Senator Montoya's response to a letter on the issue from the Board, the Board decided to delay compliance with SB 128 in 1987, and referred the issue back to the Examination and Qualifications Committee.

Robert Hoerger, a land surveyor and attorney, stated strong opposition to noncompliance with SB 128 in 1987. He stated that the Board has not made a good faith effort to comply with the 1985 law, and that the licenses and certificates issued since then have a specter of illegitimacy or taint that is legally challengeable. He argued that it is a disservice to applicants and to the public to continue to issue possibly defective licenses and certificates, and to refuse to comply with a state law requiring a certain level of competence and knowledge.

Joel Lubin of the California Society for Professional Engineers (CSPE) suggested an increase in the frequency of test administrations in order to accommodate out-of-state applicants. Lubin stated that infrequent examinations may be perceived as a protectionistic measure, and may cause other states to retaliate and attempt to make it difficult for California civil engineers to register and work outside California.

#### LEGISLATION:

*SB 159 (Greene)*, as amended March 9, would apply registration and licensing requirements to persons who approve engineering work in connection with a nuclear powerplant.

*AB 453 (Bradley)* would specify that the coordination of the work of specified professional, technical, or special consultants is an activity included within the practice of civil engineering.

*AB 643 (Baker)* would provide that if a city, county, special district, governmental entity, or private water company requires the use or specification of asbestos construction materials,